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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,748		10/16/1999	ROBERT A. LUCIANO	732.341	1734
21707	7590	02/13/2002			
IAN F. BURNS				EXAMINER	
P O BOX 20038 RENO, NV 89515			FLORES SANG	FLORES SANCHEZ, OMAR	
				ART UNIT	PAPER NUMBER
	,			3724	
			DATE MAILED: 02/13/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   Application			·					
## Examiner ## Art Unit ## Comar Flores-Sanchez ## 3724 ## 37		Application No.	Applicant(s)					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALIND DATE OF THIS COMMUNICATION.  If the period for reply specified shore is beat has thirty (50) deny, a reply within the wide replaced of the communication.  If the period for reply specified shore is beat has thirty (50) deny, a reply within the statentry retirement of thirty (50) express the state state (50) deny, a reply within the statentry retirement of thirty (50) express the state state (50) deny, a reply within the statentry retirement of thirty (50) express the state state (50) deny, a reply within the statentry retirement of thirty (50) express the state state (50) deny, a reply within the statentry retirement abundance of this communication.  Fallus to report which the surface depended period for reply specified beautiful state that there are mainted state (10) and the state of this communication, even if timely filed, may reduce any same dependent or beginning that the state of this communication, even if timely filed, may reduce any same dependent or provided by the Office later than there are no retired to this communication, even if timely filed, may reduce any same dependent or state the state of the communication.  Status  Status  Status  Status  Status  Status  A) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.5-7 and 19-29 is/are rejected.  Claim(s) 1.5-7 and	• •	09/419,748	LUCIANO ET AL.					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CFR 1.13(o). In no event, however, may a reply be timely filed after SIX (s) MONTH's from the making date of this communication.  Extensions of time may be available under the provisions of 3 CFR 1.13(o). In no event, however, may a reply be timely filed after SIX (s) MONTH's from the making date of this communication.  Extensions of time may be available under the provisions of 3 CFR 1.13(o). In no event, however, may a reply be timely filed.  ### In the Period for the provision of 1 CFR 1.13(o).  ### IN DEPENDED (MONTH's from the making date of this communication.  ### IN DEPENDED (MONTH's from the making date of this communication to become ABANDONED (38 V.S. 0, 133).  ### Any reply received by the Office bits the interesting date of this communication.  #### Any reply received by the Office bits the interesting date of this communication.  #### Any reply received by the Office bits her histen gradies and the communication.  #### Any reply received by the Office bits her histen gradies.  #### Any reply received by the Office bits her histen gradies of the communication.  #### Any reply received by the Office bits her histen gradies.  #### Any reply received by the Office bits her histen gradies.  #### Any reply received by the Office bits her histen gradies.  #### Any reply received by the Office bits her histen gradies.  #### Any reply received by the Office bits her histen gradies.  #### Any reply received by the Office bits her provision of Claims.  #### Any reply received by the Office bits her provision of Claims.  #### Any reply received by the Office bits her provision of Claims.  #### Any reply received by the Office bits her provision of Claims.  #### Any reply received by the Office bits her provision of Claims.  #### Any reply received by the Office bits her provision of Claims.  #### Any reply received by	Office Action Summary	Examiner	Art Unit					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the MAILING DATE OF THIS COMMUNICATION.  If the period for righty specified above is less than thirty (30) days, a neply whitin the disturbey relief without only in the period for righty specified above is less than thirty (30) days, a neply whitin the disturbey relief without only in the period for righty specified above is less than thirty (30) days, a neply whitin the disturbey relief without only in the period for righty specified above is less than thirty (30) days, a neply whitin the disturbey relief without only in the period for righty specified above is less than thirty (30) days, a neply whitin the disturbey relief without only and the period of the period by the disturbed right on the period of the period by the disturbed right on the period by the disturbed right of the communication, even if timely filed, may reduce any scanned patient are diglustrems. Set 3 CFR 1.76(6).  Status  1) Seponsive to communication (s) filed on 18 December 2001.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.5-7 and 19-29 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1.5-7 and 19-29 is/are rejected.  7) Claim(s) is/are allowed.  8) Claim(s) 1.5-7 and 19-29 is/are rejected.  8) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  11) The proposed drawing correction filed on is/are: a) approved b) disapproved by the Examiner.  12) The proposed		pears on the cover sneet with ti	ne correspondence address					
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#### **DETAILED ACTION**

### Continued Prosecution Application

1. The request filed on 12/18/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/419,748 is acceptable and a CPA has been established. An action on the CPA follows.

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1, 5-7 and 19-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Michalovic.

Michalovic discloses (Fig. 3 and 7) the invention including a first side portion (see Fig. 7, a left side portion of a tear surface means 37), a second side portion (see Fig. 7, a right side portion of a tear surface means 37), a fixed position 49 relative to the path (Fig. 3), a roughened surface 38 (see col. 5, line 24-26), a center portion (see Fig. 7, a middle side portion of a tear surface means 37) and a rounded surface, a member 40, a substantially semi-circular lateral cross-section (see. col. 5, line 28-31).

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## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalovic in view of Ishii et al.

Michalovic discloses the invention substantially as claimed except for a tapered surface. However, Ishii teaches the use of a tapered surface (see Fig. 1) for the purpose of increasing the separation of the ticket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Michalovic's tear surface means as taught by Ishii in order to obtain a better separation of the strip of media.

# Allowable Subject Matter

6. The indicated allowability of claims 1, 5-7, 19, and 25-29 are withdrawn in view of the newly discovered reference(s) to Michalovic and Ishii et al.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on Monday thru Thursday between

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8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

ofs February 7, 2002

> KENNETH E. PETERSON BRIMARY EXAMINER

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